

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

EVERLINA ORR
Claimant

WALMART INC
Employer

APPEAL NO. 20A-UI-15688-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.5-1-G – Requalification for Benefits

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 11, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 22, 2021. Claimant participated. Employer failed to answer when called at the number registered and did not participate.

ISSUES:

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 15, 2019. Claimant quit on that date because she had to care for family members. Claimant also had difficulties with her hands that made work more difficult.

Since the date of separation, claimant has secured other employment. Claimant's weekly benefit amount is \$241.00 / week. Claimant earned \$4,502.00 since the date of separation with Wal Mart. The subsequent job with Temp Associates was ended on or around November 14, 2020.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1)g provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge holds that the evidence has established that claimant voluntarily quit her job without good cause attributable to employer when claimant terminated the employment relationship because she needed to provide cares for a family member. The evidence additionally shows claimant has received 10x her weekly benefit amount since the job separation and has requalified for benefits. Benefits are allowed.

DECISION:

The decision of the representative dated November 19, 2020, reference 01, is reversed. Although claimant did voluntarily quit her job without good cause attributable to employer, claimant has subsequently requalified to receive benefits. Claimant is eligible to receive benefits from November 14, 2020 provided claimant is otherwise eligible. Employer's account will not be charged.



Blair A. Bennett
Administrative Law Judge

February 9, 2021
Decision Dated and Mailed

bab/kmj